IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 32190 of 2006(F)

PETITIONER:

M/S.AANCY KC MARINE & FARM PRODUCTS,
SOUTH KOLLAMKODE,
POZHIYOOR,
THIRUVANANTHAPURAM DISTRICT.
PIN 695 513, REP. BY ITS
CHAIRMAN AND MANAGING DIRECTOR P.B.SIVADAS.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

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1. DEPUTY TAHASILDAR,
REVENUE RECOVERY,
NEYYATTINKARA,
THIRUVANANTHAPURAM DIST.

2. VILLAGE OFFICER,
KULATHUR VILLAGE,
THIRUVANANTHAPURAM DIST.

3. SPECIAL OFFICER,
K.S.E.B., VYDYUTHI BHAVAN,
PATTOM PALACE P.O.,
THIRUVANANTHAPURAM,
PIN: 675 004.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ,
SRI JOSE METHEICKAL SC,KSEB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.32190 OF 2006

Dated this the 5th day of December, 2006

JUDGMENT

Learned counsel for the petitioner points out that the petitioner company is closed down and no industrial activity is going on and that it has made Ext.P1 representation before the competent authority in the Electricity Board seeking that it may be granted facility to pay off the outstandings in instalments.

2. Having heard learned counsel for the Electricity Board as regards the merits of the claim of the Board as against the petitioner and having regard to the amount involved in the impugned recovery proceedings evidenced by Exts.P2 and P3, it is directed that the said distress action will stand deferred if the entire amount covered by Exts.P2 and P3 are paid in four equal monthly instalments, payable on or before the 20th of every month, commencing from December, 2006. If there is default in remitting any of the instalments as aforesaid, the benefit of this judgment will stand recalled automatically.

3. If there is any dispute, as reflected in Ext.P1, regarding the quantum of amount due, that will be considered by the competent authority within a period of two months and appropriate adjustments will be given in the last instalment due in terms of this judgment.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.